

I certify that the attached is a true and correct copy of HJR 70, which was filed of record on MAR 9 1983

1983 MAR 22 PM 1:59

and referred to the committee on:

HOUSE OF REPRESENTATIVES

Judicial Affairs

Betty Messing
Chief Clerk of the House

FILED MAR 3 1983

By Wright

H J.R. No. 70

A JOINT RESOLUTION

1 proposing a constitutional amendment to provide for assignment of
2 judges of certain courts with probate jurisdiction.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. That Article V of the Texas Constitution be
5 amended by adding Section 16a to read as follows:

6 Sec. 16a. The legislature, by local or general law, may
7 provide a system for judges of statutory courts with probate
8 jurisdiction to hold court in any county in this state for any
9 other statutory court judge with probate jurisdiction or for a
10 judge of a constitutional county court.

11 SECTION 2. This proposed constitutional amendment shall be
12 submitted to the voters at an election to be held November 6, 1984.
13 The ballot shall be printed to provide for voting for or against
14 the proposition: "The constitutional amendment providing for
15 assignment of judges of statutory probate courts to other statutory
16 county courts with probate jurisdiction and to county courts."

By T. Amodeo

Committee Amendment No. 1

Smith

Amend H.J.R. 70 as follows:

On page 1, line 12, strike " November 6, 1984 " and
substitute " November 8, 1983."

COMMITTEE REPORT

March 29, 1983

(date)

The Honorable Gib Lewis
Speaker of the House of Representatives

Sir:

We, your COMMITTEE ON JUDICIAL AFFAIRS, to whom was referred H.J.R. 70 (Wright) have had the same under consideration and beg to report back with the recommendation that it (measure)

- () do pass, without amendment.
(✓) do pass, with amendment(s).
() do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. () yes (✓) no

An author's fiscal statement was requested. () yes (✓) no

An actuarial analysis was requested. () yes (✓) no

The Committee recommends that this measure be placed on the ~~(Local)~~ or ~~(Consent)~~ Calendar.

This measure () proposes new law.
(✓) amends existing law.
proposes an amendment to the constitution.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Tejeda, Ch.	✓			
Rangel, V.C.	✓			
Hinojosa, C.B.O.	✓			
Armbrister	✓			
Davis	✓			
Evans, L.	✓			
Gilley	✓			
Parker	✓			
Smith, T.	✓			

Total 9
0 aye
0 nay
0 present, not voting
0 absent

Frank Tejeda
CHAIRMAN
Ronald
COMMITTEE COORDINATOR

BACKGROUND INFORMATION

Because there is presently an affirmative statement in the Texas Constitution that allows district judges to sit in other district courts anywhere else in the state, it was felt that a similar statement should be constructed for judges of statutory courts with probate jurisdiction. This issue is debatable but the resolution is nevertheless offered to cover this aspect. The Supreme Court can interpret the Constitution and thus settle this issue.

RESOLUTION ANALYSIS

This resolution is a constitutional amendment that would permit a system for judges of statutory courts with probate jurisdiction to hold court in any county in this state for any other judge of like position or for a judge of a constitutional county court.

Passage of this amendment would ratify implementation of H.B. 637 if passed.

This resolution also provides that the amendment shall be submitted to the voters at an election to be held on November 6, 1984.

RULEMAKING AUTHORITY

It is the opinion of this committee that no rulemaking authority is delegated to any state officer, agency or institution.

SUMMARY OF COMMITTEE ACTION

Public notice was posted in accordance with the Rules of Procedure of the House of Representatives and a public hearing was held on March 29, 1983.

On March 29, 1983, the full committee voted to report H.J.R. 70 to the House with amendments and the recommendation that it do pass by a record vote of 9 ayes & 0 nays.

Representative Wright appeared to present H.J.R. 70. No other witnesses appeared to testify on H.J.R. 70.

AMENDMENTS

Amendment 1 by Representative Terral Smith strikes "November 6, 1984" and substitutes "November 8, 1983."

The amendment changes the time for the proposed constitutional amendment that is the subject of H.J.R. 70 to be submitted to the voters from 1984 to 1983.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 29, 1983

Honorable Frank Tejeda, Chair
Committee on Judicial Affairs
House of Representatives
Austin, Texas

In Re: House Joint Resolution No. 70
By: Wright

Sir:

In response to your request for a Fiscal Note on House Joint Resolution No. 70 (proposing a constitutional amendment to provide for assignment of judges of certain courts with probate jurisdiction) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

The cost of publication of this resolution is \$55,686.


Jim Oliver
Director

Source: Secretary of State;
LBB Staff: JO, JH, LG, AL

1983 APR -4 PM 4: 37

HOUSE COMMITTEE REPORT

1st Printing

By Wright

H.J.R. No. 70

A JOINT RESOLUTION

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H.J.R. No. 70

COMMITTEE AMENDMENT NO. 1

Amend H.J.R. 70 as follows:

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"November 8, 1983."

Smith of Travis

COMMITTEE REPORT

March 29, 1983
(date)

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Speaker of the House of Representatives

Sir:

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- () do pass, without amendment.
(☒) do pass, with amendment(s).
() do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. () yes (☒) no

An author's fiscal statement was requested. () yes (☒) no

An actuarial analysis was requested. () yes (☒) no

The Committee recommends that this measure be placed on the ~~(Floor)~~ or ~~(Consent)~~ Calendar.

This measure (☒) proposes new law.
(☒) amends existing law.
proposes an amendment to the constitution.
House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Tejeda, Ch.	<input checked="" type="checkbox"/>			
Rangel, V.C.	<input checked="" type="checkbox"/>			
Hinojosa, C.B.O.	<input checked="" type="checkbox"/>			
Armbrister	<input checked="" type="checkbox"/>			
Davis	<input checked="" type="checkbox"/>			
Evans, L.	<input checked="" type="checkbox"/>			
Gilley	<input checked="" type="checkbox"/>			
Parker	<input checked="" type="checkbox"/>			
Smith, T.	<input checked="" type="checkbox"/>			

Total 9
0 aye
0 nay
0 present, not voting
0 absent

Frank Tejeda
CHAIRMAN
Rynda
COMMITTEE COORDINATOR

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LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 29, 1983

Honorable Frank Tejeda, Chair
Committee on Judicial Affairs
House of Representatives
Austin, Texas

In Re: House Joint Resolution No. 70
By: Wright

Sir:

In response to your request for a Fiscal Note on House Joint Resolution No. 70 (proposing a constitutional amendment to provide for assignment of judges of certain courts with probate jurisdiction) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

The cost of publication of this resolution is \$55,686.


Jim Oliver
Director

Source: Secretary of State;
LBB Staff: JO, JH, LG, AL

By

Smith

Committee Amendment No. 1

Smith

Amend H.J.R. 70 as follows:

On page 1, line 12, strike " November 6, 1984 " and
substitute " November 8, 1983."

ADOPTED

MAY 11 1983 *ck*

Betty Murray
Chief Clerk
House of Representatives

HOUSE

1983 MAY 11 PM 3:30

CLERK OF REPRESENTATIVES

ENGROSSMENT

By Wright

H.J.R. No. 70

A JOINT RESOLUTION

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LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 29, 1983

Honorable Frank Tejeda, Chair
Committee on Judicial Affairs
House of Representatives
Austin, Texas

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Jim Oliver
Director

Source: Secretary of State;
LBB Staff: JO, JH, LG, AL

1 By: Wright (Senate Sponsor - Washington) H.J.R. No. 70
2 (In the Senate - Received from the House May 12, 1983;
3 May 16, 1983, read first time and referred to Committee on
4 Jurisprudence; May 25, 1983, reported favorably; May 25, 1983, sent
5 to printer.)

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20 the proposition: "The constitutional amendment providing for
21 assignment of judges of statutory probate courts to other statutory
22 county courts with probate jurisdiction and to county courts."

23 * * * * *

24 Austin, Texas
25 May 25, 1983

26 Hon. William P. Hobby
27 President of the Senate

28 Sir:

29 We, your Committee on Jurisprudence to which was referred H.J.R.
30 No. 70, have had the same under consideration, and I am instructed
31 to report it back to the Senate with the recommendation that it do
32 pass and be printed.

33 Mauzy, Chairman

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 29, 1983

Honorable Frank Tejeda, Chair
Committee on Judicial Affairs
House of Representatives
Austin, Texas

In Re: House Joint Resolution No. 70
By: Wright

Sir:

In response to your request for a Fiscal Note on House Joint Resolution No. 70 (proposing a constitutional amendment to provide for assignment of judges of certain courts with probate jurisdiction) this office has determined the following:

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Jim Oliver
Director

Source: Secretary of State;
LBB Staff: JO, JH, LG, AL

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 18, 1983

Honorable Oscar H. Mauzy, Chairman
Committee on Jurisprudence
Senate Chamber
Austin, Texas

In Re: House Joint Resolution No. 70,
as engrossed
By: Wright

Sir:

In response to your request for a Fiscal Note on House Joint Resolution No. 70, as engrossed (proposing a constitutional amendment to provide for assignment of judges of certain courts with probate jurisdiction), this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

The cost of publication of this resolution is \$55,686.


Jim Oliver
Director

Source: Secretary of State;
LBB Staff: JO, JH, LG, LV

F

ENROLLED

H.J.R. No. 70

A JOINT RESOLUTION

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H.J.R. No. 70

President of the Senate

Speaker of the House

I certify that H.J.R. No. 70 was passed by the House on May 11, 1983, by the following vote: Yeas 134, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.J.R. No. 70 was passed by the Senate on May 30, 1983, by the following vote: Yeas 29, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

RECEIVED: _____

Date

Secretary of State

HOUSE JOINT RESOLUTION

proposing a constitutional amendment to provide for assignment of judges of certain courts with probate jurisdiction.

MAR 3 1983

1. Filed with the Chief Clerk.

MAR 14 1983

2. Read first time and referred to Committee on

Judicial AffairsMAR 29 19833. Reported favorably (as amended) and sent to Printer at 11:25 am
(as substituted)APR 4 1983APR 4 1983

4. Printed and distributed at

4:37 pmAPR 5 1983

5. Sent to Committee on Calendars at

3:29 pmMAY 11 19836. Read second time (amended) and (finally) passed to Third Reading by a Record Vote of 134 yeas, 0 nays, 1 present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. _____ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of _____ yeas, _____ nays, _____ present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. _____ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 11 1983

11. Ordered Engrossed at

12:50 pmMAY 11 1983

12. Engrossed.

MAY 11 1983

13. Returned to Chief Clerk at

3:30 pmMAY 12 1983

14. Sent to the Senate.

Betty Murray
Chief Clerk of the HouseMAY 12 1983

15. Received from the House

MAY 16 1983

16. Read, referred to Committee on

JURISPRUDENCEMAY 25 1983

17. Reported favorably

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

MAY 30 1983

20. Regular order of business suspended by

U.C.
(a viva voce vote.)

(_____ yeas, _____ nays.)

21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAY 30 1983

22. Read second time

passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 23. Caption ordered amended to conform to body of bill.

MAY 30 1983

24. Senate and Constitutional 3-Day Rules suspended by vote of 28 yeas,
_____ nays to place bill on third reading and final passage.
LIPNV

MAY 30 1983

25. Read third time and passed by

(~~as amended~~)
(29 yeas, 0 nays.)

OTHER ACTION:

OTHER ACTION:

Betty King
Secretary of the Senate

5-30-83

26. Returned to the House.

MAY 30 1983

27. Received from the Senate (~~with amendments.~~)
(~~as substituted.~~)

28. House (Concurred) (Refused to Concur) in Senate (Amendments) (Substitute) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

29. Conference Committee Ordered.

30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 30 1983

31. Ordered Enrolled at

7:46 pm

HOUSE OF REPRESENTATIVES
1983 APR -4 PM 4:37
MAY 11 PM 3:30